

# Notice of Allowability

Application No.

09/740,194

Examiner

Angel A. Castro

Applicant(s)

SMITH ET AL.

Art Unit

2653

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/29/05 and telephone Interview on 9/9/05.
2. ☒ The allowed claim(s) is/are 5-8, 11, 9, 2-4, 12-15, 10, renumbered consecutively as allowed claims 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

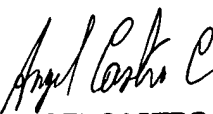
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ANGEL CASTRO**  
**PRIMARY EXAMINER**

## EXAMINER'S AMENDMENT

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 2-15, drawn to a removable-unit storage module, classified in class 720, subclass 600.
  - II. Claims 23-38, drawn to a removable-unit storage network, classified in class 700, subclass 258.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a storage library. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Gerald H. Glanzman on 9/9/05 on 9/9/05 an election was made with traverse to prosecute the invention of Group I, claims 2-15. Claims 23-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gerald H. Glanzman on 9/9/05.

The application has been amended as follows:

IN THE CLAIMS:

Claims 23-38 have been canceled.

6. The following is an examiner's statement of reasons for allowance:

The prior art of record neither suggest nor renders obvious the instant combination in a removable-unit storage module comprising robotic hands to retrieve a plurality of objects from storage cells and module tracks, wherein the module tracks are substantially parallel rows of configurable instances of tracks attached to the housing on which the robotic hands travel, wherein the module tracks spiral around the storage module from bottom to top as set forth in independent claim 5 and in figure 8 of the specification.

The prior art of record neither suggest nor renders obvious the instant combination in a removable-unit storage module comprising robotic hands to retrieve a plurality of objects from storage cells and module tracks, wherein the module tracks are substantially parallel rows of configurable instances of tracks attached to the housing on which the robotic hands travel, and bridge tracks to connect the rows of module tracks on opposite sides of the storage module, and to connect rows of module tracks on one storage module to rows of module tracks on another storage module as set forth in independent claim 6 and in figure 7 of the specification.

The prior art of record neither suggest nor renders obvious the instant combination in a removable-unit storage module comprising robotic hands to retrieve a plurality of objects from storage cells and module tracks, wherein the module tracks are substantially parallel rows of configurable instances of tracks attached to the housing on which the robotic hands travel, and bridge tracks to connect the rows of module tracks on opposite sides of the storage module, and to connect rows of module tracks on one storage module to rows of module tracks on another storage module wherein the bridge tracks can be adapted to a variable distance between storage modules as set forth in independent claim 9 and in figure 11 of the specification.

The prior art of record neither suggest nor renders obvious the instant combination in a removable-unit storage module comprising robotic hands to retrieve a plurality of objects from storage cells and module tracks, wherein the module tracks are substantially parallel rows of configurable instances of tracks attached to the housing on which the robotic hands travel, and bridge tracks to connect the rows of module tracks on opposite sides of the storage module, and to connect rows of module tracks on one storage module to rows of module tracks on another storage module wherein the bridge tracks can be adapted dynamically to the distance between storage modules while at least one of the storage modules is in motion as set forth in independent claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A. Castro whose telephone number is 571-272-7584. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANGEL CASTRO**  
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